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WILLIAM CRAWFORD, *ET AL.*,
Petitioners,
v.
MARION COUNTY ELECTION BOARD, *ET AL.*,
Respondents.

INDIANA DEMOCRATIC PARTY, *ET AL.*,
Petitioners,
v.
TODD ROKITA, *ET AL.*,
Respondents.

On Writs Of Certiorari To The United States Court Of Appeals For The Seventh Circuit

BRIEF OF ASIAN AMERICAN LEGAL DEFENSE AND EDUCATION FUND AS *AMICI CURIAE* IN SUPPORT OF PETITIONERS
[Voter ID Laws Have Discriminatory Impacts And Disenfranchise Asian American Voters]

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ADDITIONAL *AMICI CURIAE*

Additional *amici curiae* are the following organizations that represent Asian American voters and have conducted voter registration drives, voter education events, and election protection activities on Election Day.

Asian American Bar Association of New York
Asian American Bar Association of the Delaware Valley
Asian American Lawyers Association of Massachusetts
Asian Pacific American Agenda Coalition
Asian Pacific American Bar Association
of the Greater Washington, DC Area
Asian Pacific American Lawyers
Association of New Jersey, Inc.
Asian and Pacific Islander American Vote
Cambodian Association of Greater Philadelphia
Chinatown Voter Education Alliance
Coalition of Asian Pacific Americans of Virginia
Conference on Asian Pacific American Leadership
Korean American Bar Association of New Jersey
Korean American League for Civic Action
Korean American Resource & Cultural Center
Korean American Voters' Council of NY & NJ
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South Asian Youth Action
Vietnamese American Initiative for Development
YKASEC – Empowering the Korean American Community

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INTERESTS OF *AMICI CURIAE*[1]

Non-parties Asian American Legal Defense and Education Fund ("AALDEF"), Asian American Bar Association of New York, Asian American Bar Association of the Delaware Valley, Asian American Lawyers Association of Massachusetts, Asian Pacific American Agenda Coalition, Asian Pacific American Bar Association of the Greater Washington, DC Area, Asian Pacific American Lawyers Association of New Jersey Inc., Asian and Pacific Islander American Vote, Cambodian Association of Greater Philadelphia, Chinatown Voter Education Alliance, Coalition of Asian Pacific Americans of Virginia, Conference on Asian Pacific American Leadership, Korean American Bar Association of New Jersey, Korean American League for Civic Action, Korean American Resource & Cultural Center, Korean American Voters' Council of NY & NJ, National Korean American Service & Education Consortium, Organization of Chinese Americans, ONE Lowell, Pennsylvania Immigration and Citizenship Coalition, Providence Youth Student Movement, The Sikh Coalition, South Asian American Leaders of Tomorrow, South Asian Youth Action, Vietnamese American Initiative for Development, and YKASEC – Empowering the Korean

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[1] Counsel for *Amici* researched and drafted this brief with the advice and consent of *Amici*. Petitioners and Respondents have consented to the filing of this brief. Consistent with Rule 37.6, this brief is not authored in whole or in part by counsel for any party. No person, other than *Amici* or their counsel, has made a monetary contribution to the preparation or submission of this brief.

American Community (collectively, "*Amici Curiae*" or "*Amici*") are organizations that advocate on behalf of Asian American voters and have conducted voter registration drives, voter education events, and election protection activities on Election Day.

Amici submit this brief in support of Petitioners' position that the State of Indiana's voter identification requirement and provisional balloting law ("SEA 483" or the "Act") violates the First and Fourteenth Amendments.

INTRODUCTION AND SUMMARY OF ARGUMENT

Asian American Legal Defense and Education Fund ("AALDEF") is a 33-year-old national civil rights organization that protects and promotes the civil rights of Asian Americans through litigation, advocacy, and community education.

Throughout the history of the United States, Asian Americans have been disenfranchised by discriminatory laws and practices. Such laws, like those that prohibited Asian Americans from becoming naturalized citizens or exercising the right to vote, have since been repealed. Many discriminatory practices have likewise been barred by the Fourteenth and Fifteenth Amendments and laws made under those Amendments' enforcement powers. But the legacy of those discriminatory laws and practices, including the notion that Asian Americans are still

viewed as foreigners, persists. That legacy prevents equal civic participation by Asian Americans.

That Asian Americans continue to be denied equal access to the ballot box is one manifestation of that legacy. Through poll monitoring efforts over several past national election cycles, AALDEF, with the assistance of *Amici* and other Asian American organizations, has amassed evidence showing that Asian Americans still face outright hostility when attempting to vote. Further, AALDEF has witnessed Asian Americans being disenfranchised by institutional barriers such as incomplete voter rolls, denials of provisional ballots, improper identification checks, interpreter shortages, and inadequate training for poll workers.

Turning to SEA 483, that law severely impairs the right of citizens in Indiana to vote by depriving any person who lacks an Indiana or United States government-issued photo identification the right to cast a vote and have that vote counted, irrespective of the voter's qualification or ability to provide reasonable indicia of qualification and registration. The strict and unyielding hurdles for the identification of voters imposed by SEA 483 compound the institutional barriers Asian American voters regularly face when attempting to vote.

SEA 483 also affords unbridled discretion to poll workers in the voter identification process, giving poll workers and partisan challengers ample opportunity

to discriminate against Asian Americans and other minorities.

The burdens imposed by SEA 483, coupled with the persistent racial and xenophobic animus and institutional barriers placed on Asian Americans, will severely and disproportionately infringe Asian Americans' right to vote. As such, SEA 483 fails to satisfy the strict scrutiny standard. Nor can the Act pass constitutional muster under the test proffered by this Court in *Burdick v. Takushi*, and mistakenly applied to SEA 483 by the courts below. Under either test, a law restricting the right of citizens to vote and have their vote counted must be weighed against the competing interests of voters to access the ballot and be free from discrimination. If the law is either unnecessary to advance the State's proffered interest or infringes too greatly on the ability of qualified voters to vote or be free from discrimination, the law must fail. Here, the restrictions imposed by SEA 483 are not justified by Indiana's interest in deterring unsubstantiated and speculative in-person voter fraud. Accordingly, SEA 483 cannot pass constitutional muster.

ARGUMENT

I. The Courts Below Erred in Subjecting SEA 483 to the Burdick/Anderson Balancing Test Rather Than Strict Scrutiny

It is well-established that "any alleged infringement of the right of citizens to vote must be carefully and meticulously scrutinized." *Harper v. Virginia*, 383 U.S. 663, 667 (1966); *Dunn v. Blumstein*, 405 U.S. 330, 336 (1972) ("[B]efore the right to vote can be restricted, the purpose of the restriction and the assertedly overriding interests served by it must meet close scrutiny.").

The Supreme Court has consistently held, without reservation, that strict scrutiny applies to *any* law that restricts the right of a voter qualified by age, citizenship, and residency to vote and have that vote counted. *Hill v. Stone*, 421 U.S. 289, 297 (1975) (*citing Kramer v. Union Free School Dist.*, 395 U.S. 621, 626-27 (1969); *Cipriano v. City of Houma*, 395 U.S. 701, 704 (1969)).

Further, strict scrutiny applies to classifications intended to verify residence, age, or citizenship. *Dunn*, 405 U.S. at 337, 345 & n.7 (applying strict scrutiny to a durational residency requirement purportedly meant to ensure bona fide residence, and holding that strict scrutiny applied to a declaration of citizenship prerequisite).

Under SEA 483, in-person voters in Indiana will not have their votes counted unless they present a valid government-issued identification or sign an

affidavit establishing lack of identification based on indigence or religious opposition to being photographed.[2] As such, SEA 483 is a classification restricting the franchise and is subject to strict scrutiny. It makes no difference that the Act prevents qualified citizens' votes from being counted rather than preventing the citizen from casting his or her ballot. The right to have one's vote counted is an integral part of the right to vote and is subject to the same level of protection as the right to vote in the first instance. *Reynolds v. Sims*, 377 U.S. 533, 554-55 & n.29 (1964) (*citing United States v. Mosley*, 238 U.S. 383, 386 (1915); *South v. Peters*, 339 U.S. 276, 279 (1950) (Douglas, J. dissenting)); *see also Bush v. Gore*, 531 U.S. 98, 105 (2000) ("The right to vote is protected in more than the initial allocation of the franchise. Equal protection applies as well to the manner of its exercise.")

Despite this Court's admonition that any law restricting the right to vote or to have that vote counted is subject to strict scrutiny, both courts below incorrectly applied a less exacting standard based on *Burdick v. Takushi*, 504 U.S. 428 (1992) and *Anderson v. Celebrezze*, 460 U.S. 780 (1983). *Burdick* held that the rigorousness of a court's inquiry into the propriety of a state election law depends upon the extent to which the challenged regulation burdens

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[2] SEA 483 provides a limited exception from the identification requirement for residents of state-licensed care facilities who are voting in that same facility.

First and Fourteenth Amendment Rights. *Burdick*, 504 U.S. at 434. Where an election law subjects voting rights to "severe restrictions," the law must satisfy strict scrutiny. *Id.* Where, however, the law places only "reasonable nondiscriminatory restrictions" upon the rights of voters or candidates, the law is subjected to a less stringent balancing test articulated in *Anderson*. *Id.* (*citing Anderson*, 460 U.S. at 788-89 & n.9).

Both of the courts below subjected SEA 483 to a lesser level of scrutiny based on the assumption that the number of people who will be wrongfully disenfranchised by the law will be small. The district court found that, while it "do[es] not doubt" that SEA 483 will prevent qualified registered voters from having their votes counted, the Petitioners' evidence was insufficient to establish that a large number of voters will be disenfranchised by the law. *Indiana Democratic Party v. Rokita*, 458 F. Supp. 2d 775, 823 (S.D. Ind. 2006). On appeal, the Seventh Circuit agreed that there are "no doubt . . . at least a few" eligible voters who will be disenfranchised by SEA 483. *Crawford v. Marion County Election Bd.*, 472 F.3d 949, 952 (7th Cir. 2007). The majority assumed, however, that the number of disenfranchised voters would be small, and held that this reduced the constitutional threshold to a review less exacting than strict scrutiny. *Id.*

The lower courts erred because the right to vote is an individual right, *United States v. Bathgate*, 246 U.S. 220, 227 (1918), and the severity of a restriction on this right must be measured at the individual

level. The number of persons denied the right to vote does not affect the severity of denying the franchise to a qualified but disenfranchised voter. Indeed, the concern that voting restrictions will block otherwise powerless minorities makes such restrictions suspect in the first instance. *Kramer*, 395 U.S. at 626-28.[3]

Neither *Anderson* nor *Burdick* suggest that the Court modified the applicability of strict scrutiny to voter restrictions based on the number of qualified voters potentially disenfranchised by the law in question. Moreover, *Anderson* and *Burdick* concerned laws touching, but not directly infringing, the right to vote. To suggest these decisions can be used to undermine the long-standing constitutional protections for "a fundamental political right . . . preservative of all rights" ignores this Court's rulings in numerous

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[3] In fact, language in *Harper* suggests that this Court has considered and rejected the notion that the applicability of strict scrutiny to laws restricting the right of qualified citizens to vote could depend upon the number of people the law would disenfranchise. Reaffirming that strict scrutiny would apply to a review of Virginia's $1.50 poll tax, this Court explained:

> We say the same whether the citizen, otherwise qualified to vote, has $1.50 in his pocket or nothing at all, pays the fee or fails to pay it. The principle that denies the State the right to dilute a citizen's vote on account of his economic status or other such factors by analogy bars a system which excludes those unable to pay a fee to vote or who fail to pay.
>
> * * *
>
> The degree of discrimination is irrelevant.

Harper, 383 U.S. at 668.

seminal voting rights cases. *Reynolds*, 377 U.S. at 561-62 (*quoting Yick Wo v. Hopkins*, 118 U.S. 356 (1886)); *Kramer*, 395 U.S. at 626.

II. Under Either Standard, SEA 483 Must Be Necessary to Advance the Proffered State Interests and Narrowly Tailored to Those Interests

Evaluating SEA 483 under strict scrutiny, Indiana must "show that [the restrictions of the Act] further a very substantial state interest," and that "the exclusions are *necessary* to promote a *compelling* state interest."[4] *Dunn*, 405 U.S. at 337, 343 (emphasis in original) (*quoting Kramer v. Union Free School Dist.*, 395 U.S. 621, 626-27 (1969); *citing Cipriano v. City of Houma*, 395 U.S. 701, 704 (1969); *City of Phoenix v. Kolodziejski*, 399 U.S. 204, 205, 209 (1970); *Harper*, 383 U.S. at 670). Prevention of voter fraud, if it exists, is a legitimate and compelling governmental end. *See Dunn*, 405 U.S. at 346. But the means Indiana

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[4] An election law aimed at preventing election fraud must be "necessary" to further that interest. *Kramer*, 395 U.S. at 627. In other words, the classifications must be tailored with "sufficient precision" so that the disenfranchisement of the persons prevented from voting under the law "is necessary to achieve the articulated goal." *Id.* at 632. "[I]f there are other, reasonable ways to achieve those goals with a lesser burden on constitutionally protected activity, a State may not choose the way of greater interference. If it acts at all, it must choose less drastic means." *Dunn*, 405 U.S. at 343.

may employ in pursuing such an end must not abrogate the First and Fourteenth Amendments.

Even under *Burdick* and *Anderson*, SEA 483 must be both necessary and sufficiently tailored to Indiana's interest if it is to pass Constitutional scrutiny. *Nixon v. Shrink Mo. Gov't PAC*, 528 U.S. 377, 402 (2000) (Stevens, J. concurring) ("[I]n practice that has meant asking whether the statute burdens any one such interest in a manner out of proportion to the statute's salutary effects upon the others (perhaps, but not necessarily, because of the existence of a clearly superior, less restrictive alternative).").

As explained in *Anderson*, where an election law is not subject to strict scrutiny but is subject to a balancing of competing interests, the court "must identify and evaluate the precise interests put forward by the State as justifications for the burden imposed by its rule." *Id.* Furthermore, "[i]n passing judgment, the Court must not only determine the legitimacy and strength of each of those interests, it also must consider the extent to which those interests make it necessary to burden the plaintiff's rights." It is "[o]nly after weighing all these factors [that] the reviewing court [is] in a position to decide whether the challenged provision is unconstitutional." *Id.* While "[t]he quantum of empirical evidence needed to satisfy the heightened judicial scrutiny of legislative judgments will vary up and down with the novelty and plausibility of the justification raised[,]" the

Court will "never accept[] mere conjecture as adequate" support for a law infringing on a fundamental right. *Nixon*, 528 U.S. at 391.

Accordingly, under either standard, the legitimacy and strength of the governmental interests behind SEA 483 must be assessed against the burden placed on the right to vote. That assessment must consider whether the Act's restrictions are necessary and whether its goals could be achieved through less burdensome measures.

III. SEA 483 Is Unconstitutional Because It Unduly and Severely Burdens the Voting Rights of Asian Americans and Other Minority Voters and Its Restrictions Are Neither Necessary nor Narrowly Tailored to the Prevention of Voting Fraud

By disenfranchising voters where less burdensome and more effective alternatives are available, SEA 483 is unconstitutionally overbroad under strict scrutiny or the *Burdick* and *Anderson* balancing test.[5]

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[5] SEA 483 presumptively disenfranchises any person attempting to vote in person who does not present acceptable government-issued photo identification at the time they attempt to vote. The law is thus overbroad in that it disenfranchises voters without identification meeting a narrow set of requirements, regardless of whether the voter can provide other reliable proof of identity and thus eliminate the claimed risk of voter fraud.

Compounding the disenfranchisement on Election Day are the severe and unnecessary burdens the Act places on those voters who extend the effort and decide to cast a provisional ballot. Any voter lacking ID must not only fill out a more time-consuming provisional ballot, but must also take further steps to get that provisional ballot counted. These steps include appearing before the county election board or county circuit court within 10 days of the election and obtaining documentation or identification, as required by the law, to have that provisional ballot counted. As the court below conceded, those substantial time[6] and financial costs on the provisional voter undoubtedly "deter some people from voting." *Crawford*, 472 F.3d at 951.

Moreover, these burdens on the right to vote are not borne equally by all members of society. As discussed below, Asian Americans are especially likely to be caught up in the over-expansive net cast by SEA 483 as a result of both intentional and unintentional discrimination. Further, persons with limited means will find it difficult to take the steps necessary to have their provisional ballots counted. Such foreseeable discriminatory impacts make the constitutionality of SEA 483

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[6] "[An] important cost that must be considered is the time it takes to get to the polls and go through the physical process of voting." Martin P. Wattenberg, *Turnout Decline in the U.S. and Other Advanced Industrial Democracies*, Center for the Study of Democracy, University of California Irvine, p. 3 (1998), *available at* http://repositories.cdlib.org/csd/98-08/ (last visited Nov. 1, 2007).

suspect, particularly given the State's inability to produce evidence that the voting fraud, which the Act is designed to combat, actually exists.

A. Indiana's Photo ID Law Violates the Equal Protection Clause Because It Is Impermissibly Vague and Will Lead to Discriminatory Disenfranchisement

Voting laws must, at a minimum, avoid arbitrary and disparate treatment of the electorate. *Bush*, 531 U.S. at 105. "Having once granted the right to vote on equal terms, the State may not, by later arbitrary and disparate treatment, value one person's vote over that of another." *Id.* at 104 (*quoting Harper*, 383 U.S. at 665). Indiana's voter identification law does not satisfy this standard.

SEA 483 sets unduly vague standards as to when a voter may be successfully challenged based on perceived discrepancies between the voter's identification and the name on the voter rolls or the voter's appearance. That vagueness, in turn, increases the risk and opportunity for the disproportionate disenfranchisement of certain racial and ethnic minorities. Such disenfranchisement could result from intentional or unintentional discrimination, or because some other inherent and immutable quality makes them more susceptible to challenge under the vague standards.

1. Indiana's Photo ID Law Is Unconstitutional Because It Gives Election Officials Unbridled Discretion and Will Lead to Arbitrary Enforcement

Laws placing the right to vote in the discretion of voting administrators have a history of being discriminatorily applied. *See South Carolina v. Katzenbach*, 383 U.S. 301, 333-34 (1966). This Court, however, has stood firm against such invidious discrimination, warning that, "[t]he cherished right of people in a country like ours to vote cannot be obliterated by the use of laws like this, which leave the voting fate of a citizen to the passing whim or impulse of an individual registrar." *Louisiana v. United States*, 380 U.S. 145, 152 (1965). Indeed, this Court has consistently held that laws restricting fundamental rights like the right to vote and freedom of speech cannot pass constitutional muster when they provide their enforcers with too much discretion to deny rights afforded individual citizens. *See id.* (reading comprehension requirement for right to vote violated Fourteenth Amendment because too much opportunity for discriminatory enforcement); *see also City of Chicago v. Morales*, 527 U.S. 41, 52 (1999); *Heffron v. Int'l Soc'y for Krishna Consciousness, Inc.*, 452 U.S. 640, 649 (1981); *Grayned v. City of Rockford*, 408 U.S. 104, 108 (1972) (to avoid discriminatory enforcement, "laws must provide explicit standards for those who apply them"); *Shuttlesworth v. Birmingham*, 394 U.S. 147, 150-53 (1969); *Cox v. State of Louisiana*, 379 U.S.

536, 555-58 (1965). As discussed, SEA 483 provides poll workers with substantial discretion to deny voters access to the regular ballot based on discrepancies concerning the voter's identification and thus violates the First and Fourteenth Amendments.

The risk of SEA 483 being applied discriminatorily is not remote. In 2004, *Amici* monitored almost 200 poll sites and conducted an exit poll of 10,789 Asian American voters to assess compliance with the Voting Rights Act and to document other voting barriers. They conducted these activities in 23 cities in eight states: New York, New Jersey, Massachusetts, Rhode Island, Michigan, Illinois, Pennsylvania, and Virginia. Through that and other poll monitoring efforts, *Amici* have found that voter identification requirements have significant racially discriminatory impacts.

Amici Curiae observed that Asian American voters were frequently targeted for discretionary identification challenges at the polls. The Help America Vote Act ("HAVA") requires a very limited group of voters—first-time voters who registered by mail and registered after January 1, 2003—to present identification in order to vote. 42 U.S.C. § 15483(b). *Amici Curiae* found, however, that identification was demanded from a much broader category of voters, especially in states which have no identification requirements above those imposed by HAVA:

- In New York, 23% of all Asian American voters surveyed had to show identification in

order to vote. Of those who provided identification, 69% were not required to under HAVA. Many South Asian voters complained that they were racially profiled. In Chinatown, a police officer required all Asian American voters to show picture identification and turned away voters if they did not have their IDs with them. In another incident, a voter was asked to show her naturalization certificate to prove her eligibility to vote.

- In New Jersey, where identification was also not required to vote, 25% of all Asian American voters surveyed had to show identification. Of those Asian Americans who provided identification, 51% were not required to show ID under HAVA. In one instance, an elderly first-time Korean American voter was asked to provide several forms of identification. Although this voter was required to present ID under HAVA, after he presented his voter registration card and other documents from the Board of Elections, he was nonetheless required to show a driver's license, utility bills, and other forms of ID before he could vote.

- In Massachusetts, 24% of Asian American voters had to show identification. Although state law allows poll workers to demand identification, such requests must be random, consistent, or based on a reasonable suspicion. Of those Asian American voters who had to show ID, 57% were not required to show ID under HAVA. One voter presented

his United States passport but was told that it was insufficient. The voter was turned away.

- In Virginia, where some form of documentary identification is required from all voters, *Amici* documented racially discriminatory requests. One South Asian voter complained that he was asked by poll workers to show identification, but his white companion, who was also voting at this site, was not asked to show any identification whatsoever. Moreover, this voter was required to present some type of *federal* identification in addition to his Virginia voter card. Under state law, a Virginia voter card is considered a valid form of identification.

See AALDEF, *Asian American Access to Democracy in the 2004 Elections* (Aug. 2005), at 18-20, *available at* http://www.aaldef.org/articles/2005-08-18_189_AsianAmericanA.pdf.

Racially discriminatory identification checks continue to affect Asian Americans nationwide. Notwithstanding complaints to election officials after the 2004 elections, poll workers continued to make improper demands for Asian American voters to provide identification during the 2006 elections. For example, in Boston's 2006 elections, an official elections Chinese interpreter asked all Chinese-speaking voters, but none of the English-speaking voters, for their ID before they could receive a translated ballot.

Through exit poll monitoring, *Amici* have also continued to find high rates of discretionary identification checks aimed at Asian American voters during the 2006 elections. In New York, 83% of Asian American voters who were required to show ID at the polls were not required to do so under HAVA. The percentages were equally high for other states: New Jersey 88%; Massachusetts 55%; Pennsylvania 76%; Michigan 54%; Illinois 83%; Maryland 61%; Washington 81%; and Washington, DC 58%. *See* AALDEF, *The Asian American Voter in the 2006 Midterm Elections* (2007) at 16, *available at* http://www.aaldef.org/docs/AALDEF2006ExitPollReportMay2007.pdf; AALDEF, *Asian American Access to Democracy in the 2006 Elections* (forthcoming 2007).

In addition, poll workers have applied disparate and illegal standards when examining Asian Americans' identification. During the 2002 elections in New York, one poll worker was observed requiring identification only from Asian American voters. *See* AALDEF, *Asian American Access to Democracy in the 2002 Elections in NYC* (Sept. 2003), at 20, *available at* http://www.aaldef.org/images/09-04-03_accessdemocracy.pdf. During the 2001 elections, in the wake of the September 11 attacks, another poll worker justified his own arbitrary requirement that Asian Americans present three forms of ID by saying, "you never know who's a terrorist." *See* AALDEF, *Asian American Access to Democracy in the 2001 Elections in NYC* (Apr. 2002) at 18, *available at* http://www.aaldef.org/docs/aaldef-203-report-2001.pdf. These examples suggest

that the era of selectively challenging minorities at the polls has not passed and should give the Court serious pause before permitting a new discretionary test that provides ample opportunity for discriminatory application by poll workers.

AALDEF has long urged that poll workers should be better trained on the legal requirements in voting. The New York City Board of Elections provided special training in 2004 that stressed specific ID rules and non-discriminatory application. Nevertheless, identification was still required of a large number of minority voters on Election Day.

If photo identification requirements like Indiana's are approved by this Court, AALDEF's findings demonstrate that those requirements would be misapplied and discriminatorily applied only to minority voters. Even if voters had acceptable forms of ID, poll workers could reject them as insufficient and demand additional documents. Such requirements would likely operate to disenfranchise Asian American voters.

The fact that SEA 483 requires all voters to present identification at the polls does not eliminate the risk of the law being applied discriminatorily to disenfranchise minority voters. Under SEA 483, a voter must produce identification that "shows the name of the individual to whom the document was issued, and the name conforms to the name in the individual's voter registration record." Ind. Code § 3-5-2-40.5. The identification must also have a photograph

of the voter. Ind. Code § 3-5-2-40.5. A voter may thus be challenged based on the non-conformity of his/her name as it appears on the proffered identification when compared with the voter registry, or on account of a judgment by the poll worker that the photograph does not sufficiently match the appearance of the voter.

With respect to the photograph, it is obvious that allowing a poll worker to challenge a voter based on an ID photo, which may be several years old, will create substantial potential for abuse in the application of SEA 483. That abuse is one that will be difficult to defeat given the impossibility of creating an objective standard by which to judge the similarities between a photograph and an individual.

With respect to the requirement that the name on the identification and the voter rolls "conform," there is also a significant potential for abuse. There is no statutory definition of "conform" in Indiana and as such, poll workers will have nearly unfettered discretion to accept or reject a voter if there is any difference between the name as it appears on the identification and on the voter registry. A poll worker has absolute power to determine for himself or herself whether "conform" means "the same as" or "like" or "of the same form" or whether it means "similar." The individuals making these decisions are not required to have legal training or any type of advanced education. *See* Ind. Code § 3-6-6-7(a)(1)-(5).

Without a statutory definition of "conform," and no apparent limitations on what will justify challenging a voter based on the photograph on his or her ID, the poll workers can act with unbridled discretion. Such vagueness will encourage arbitrary and erratic enforcement by poll workers and election officials and, as such, renders Indiana's photo ID law facially unconstitutional. *See City of Chicago v. Morales*, 527 U.S. 41, 52 (1999); *Heffron v. Int'l Soc'y for Krishna Consciousness, Inc.*, 452 U.S. 640, 649 (1981); *see also Grayned v. City of Rockford*, 408 U.S. 104, 108 (1972) (to avoid discriminatory enforcement, "laws must provide explicit standards for those who apply them"); *Shuttlesworth v. Birmingham*, 394 U.S. 147, 150-53 (1969) (discussing the unconstitutionality of a statute which "conferred upon the City Commission virtually unbridled and absolute power to prohibit any 'parade,' 'procession,' or 'demonstration' on the city's streets or public ways"); *Cox v. State of La.*, 379 U.S. 536, 555-58 (1965) (holding a statute unconstitutional which "provided that there could only be peaceful parades or demonstrations in the unbridled discretion of the local officials").

2. Asian Americans and Other Minority Voters Will Be Particularly Susceptible to Disenfranchisement Under SEA 483

Even if Indiana's voter identification law were applied without any overt racial animus, AALDEF has observed that typographical and data-entry

errors are especially common with Asian American names in voter registration rolls. *See* AALDEF, *Asian American Access to Democracy in the 2004 Elections* (Aug. 2005), at 17; AALDEF, *Asian American Access to Democracy in the 2002 Elections in NYC* (Sept. 2003), at 22. These errors occur by no fault of the eligible voter and can result in a failed match between the name listed on the voter registration rolls and the name listed on the photo identification presented by voters on Election Day.

Such voter roll errors are of particular concern for Asian American and other minority voters. Different traditional naming conventions across cultures and peoples of different national origins, as well as difficulties in transliterating names from cultures that do not use the Roman alphabet, frequently contribute to errors or discrepancies in the way a given individual's name is recorded in various public records. Errors are especially prevalent with Asian names, in which the surname is traditionally listed before the given name. For example, Chinese given names may have two "characters" or parts, which commonly leads to transcription errors. Lastly, Asian names are often misspelled or mispronounced, leading to confusion.

AALDEF has recorded many instances in which eligible voters have been told their names are not on the rolls because frustrated poll workers do not want to spend extra time seeking out "foreign" sounding names or reconciling identification inconsistencies. *See* AALDEF, *Asian American Access to Democracy in*

the 2004 Elections (Aug. 2005), at 17; AALDEF, *Asian American Access to Democracy in the 2002 Elections in NYC* (Sept. 2003), at 22.

The result is that, even where there is no overt discriminatory intent, vague standards can lead to substantial disenfranchisement of Asian American voters. Indeed, even if Indiana could provide a more concrete definition of what it means for a name on the registration to "conform" to the name on the voter's identification, the problems identified above will still lead to a disproportionate disenfranchisement of minority voters unless the law is rewritten to provide adequate safeguards for persons who are the victims of such registration errors.

Resolution of these inconsistencies is also likely to be especially difficult for Asian American and other minority voters who may be hindered in communicating with poll workers due to language barriers. Indeed, it is common, even in cities like New York, which must provide language assistance under the Voting Rights Act, for there to be voting barriers due to an inadequate number of translators. *See* AALDEF, *Asian Americans and the Voting Rights Act: The Case for Reauthorization* (May 2006), at 21, *available at* http://www.aaldef.org/articles/2006-06-13_137_AALDEF Releases.pdf.

3. Discriminatory Opportunities Created by SEA 483 Are Compounded Because Indiana Law Permits Partisan Challenges to Individual Voters at the Polls

Indiana permits a political party with a candidate on the ballot in a precinct to appoint a challenger.[7] Ind. Code § 3-6-7-1. In 2005, the Indiana legislature changed the law to allow the political challenger access inside the polling place, which means the political challenger is present when a voter is showing proof of identification to the precinct election board. Ind. Code § 3-11-8-15(a)(5).

Ind. Code § 3-11-8-20 provides: "If a voter offering to vote is challenged by a challenger or by a member of the precinct election board, the person challenging the voter shall reduce the challenge to affidavit form, setting forth succinctly the reasons for the challenge." Ind. Code § 3-11-8-22 states that a voter successfully challenged under Ind. Code § 3-11-8-20 may vote if the voter completes an affidavit, but relegates the challenged voter to a provisional ballot. Provisional balloting, however, is an ineffective remedy for such challenges because of the added administrative burdens the voter must undertake before the provisional ballot

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[7] The requirements to serve as a challenger are minimal. A challenger is only required to be at least 18 years of age, Ind. Code § 3-6-7-1(c), and a registered voter in the county containing the precinct where the challenger is stationed. Ind. Code § 3-6-7-1.7.

can be counted. Indeed, as a practical matter, a substantial proportion of provisional ballots are never counted. *See* Indiana 2006 General Election Provisional Ballot Information, *available at* http://www.in.gov/sos/elections/pdfs/2006GeneralElectionProvisionalBallotCount090507.pdf (last visited Nov. 7, 2007); Indiana 2006 Primary Provisional Ballot Information, *available at* http://www.in.gov/sos/elections/elections/2006PrimaryElectionProvisionalBallotCount.xls (last visited Nov. 7, 2007); *see also* Deposition of Doris Ann Sadler (Aug. 2, 2005), at 44:3-11, Attachment 2 to Motion For Summary Judgment filed by William Crawford.

In addition, AALDEF's election monitoring found that poll workers often denied Asian American voters the right to cast provisional ballots, even when they qualified, further compounding the ineffectiveness of provisional ballots as a remedy. *See* AALDEF, *Asian American Access to Democracy in the 2004 Elections* (Aug. 2005), at 16-17.

Indiana law sets forth no limitations upon the types of challenges that can be made by a political challenger. Accordingly, partisan challengers may take advantage of the vagueness of SEA 483 to target voters from particular precincts or ethnic groups that are perceived as having a particular political affinity.

B. The Justification for SEA 483 Is Weak

1. Despite its Pretext, SEA 483 Increases the Impact of Voter Fraud by Decreasing Voter Turnout and Disproportionately Disenfranchising Asian American and Other Minority Voters

The Eagleton Institute of Politics at Rutgers University found that voters in states requiring photographic documentation of identity were 2.7 percent less likely to vote than voters in states where such documentation was not required. *See* Eagleton Institute of Politics, Rutgers University & Moritz College of Law, Ohio State University, *Best Practices To Improve Voter Identification Requirements* (Jun. 28, 2006), at 28, *available at* http://www.eac.gov/clearinghouse/docs/eagletons-draft-voter-id-report; *see also* Timothy Vercellotti and David Andersen, *Protecting the franchise, or restricting it? The effects of voter identification requirements on turnout* (Paper Prepared for American Political Science Association, Philadelphia, PA Aug. 31-Sept. 3, 2006, n.3, p. 4, 6). If SEA 483 produces a similar drop-off in voter turnout, the Act will clearly deter a much greater number of legitimate votes than it will deter fraudulent votes. *See* part III.B.2., *infra*.

The impact on minority voters is even more significant. Latino Americans were 10 percent less likely to vote in states with identification requirements, Asian Americans 8.5 percent less likely to vote, and African Americans 6.0 percent less likely to

vote. *See Best Practices To Improve Voter Identification Requirements*, at 29.

Amici are concerned that SEA 483, by disproportionately impacting minority voters, will dilute the voting power of the Asian American and other minority communities. This dilutive impact is much more significant than any purported dilutive effect of fraud. Indeed, as one commentator has noted, overcorrection for perceived voter fraud has historically come at the cost of those voters whose electoral voice is most threatened:

> The claim that voter fraud threatens the integrity of American elections is itself a fraud. It is being used to persuade the public that deceitful and criminal voters are manipulating the electoral system. . . . The exaggerated fear of voter fraud has a long history of scuttling efforts to make voting easier and more inclusive, especially for marginalized groups in American society. With renewed partisan vigor, fantasies of fraud are being spun again to undo some of the progress America has made lowering barriers to vote.

Lorraine C. Minnite, *The Politics of Voter Fraud* (2007), at 5, *available at* http://projectvote.org/fileadmin/ProjectVote/Publications/Politics_of_Voter_Fraud_Final.pdf.

2. There Is No Evidence of Significant In-Person Voting Fraud in Indiana or in the United States

Despite the procedural posture of summary judgment, the courts below required that Petitioners (the non-moving party) establish the number of people disenfranchised by SEA 483. But, conversely, both courts credited Indiana's interest in preventing voter fraud through a voter ID law as legitimate without any evidence of fraud that would be prevented by the State's voter identification requirement. Instead, the courts hypothesized that the evidence of voter fraud was lacking, not because it did not exist, but because it was merely not detected. *Indiana Democratic Party*, 458 F. Supp. 2d at 826; *Crawford*, 477 F.3d at 953. To support that supposition, the courts pointed to purported corroborating allegations of fraud in states other than Indiana. *Indiana Democratic Party*, 458 F. Supp. 2d at 826; *Crawford*, 477 F.3d at 953. Such conjecture from the lower courts was necessary to support the State's position as both the State and the courts below concede that there is no evidence of in-person voting fraud in Indiana.[8] *Indiana Democratic Party*, 458 F. Supp. 2d at 826; *Crawford*, 477 F.3d at 953.

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[8] Indiana's legislature did not consider any evidence of impersonation fraud prior to enacting SEA 483. *See Indiana Dem. Party v. Rokita*, 458 F. Supp. 2d 775, 793 (S.D. Ind. 2007); *id.* at 785-86 ("Defendants concede that 'the State of Indiana is not aware of any incidents or person attempting to vote, or

(Continued on following page)

The lack of evidence of in-person voting fraud is not unique to Indiana; there is little evidence of the type of voter fraud that SEA 483 supposedly combats nationally.[9] A recent report prepared for the U.S. Election Assistance Commission ("EAC") in December 2006 found relatively little evidence of fraud at polling places. Interviews with numerous public officials, including state attorney generals, secretaries of states, and election officials, found large agreement that:

> [A]bsentee balloting is subject to the greatest proportion of fraudulent acts, followed by vote buying and voter registration fraud.

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voting, at a voting place with fraudulent or otherwise false identification.'") (citations omitted)). Nor has anyone ever been *charged* with, let alone convicted of, violating Indiana's voting laws. *Crawford.*, 472 F.3d at 955 (Evans, J. dissenting) ("the defenders of this law candidly acknowledged that no one – in the history of Indiana – had ever been *charged* with violating [voting fraud] law").

[9] As one commentator has recently noted: "Voter fraud is extremely rare. At the federal level, records show that only 24 people were convicted of or pleaded guilty to illegal voting between 2002 and 2005, an average of eight people a year. The available state-level evidence of voter fraud, culled from interviews, reviews of newspaper coverage and court proceedings, while not definite, is also negligible." Minnite, *The Politics of Voter Fraud*, at 3. Notably, the vast majority of these convictions relate to ineligible felons voting, immigrants voting, vote buying, fraud in absentee voting and registration-related violations, as opposed to the type of in-person voter impersonation SEA 483 is designed to prevent. Minnite, *The Politics of Voter Fraud*, at 8.

> Many asserted that impersonation of voters is probably the least frequent type of fraud because it is the most likely type of fraud to be discovered, there are stiff penalties associated with this type of fraud, and it is an inefficient method of influencing an election.

See U.S. Election Assistance Commission, *Election Crimes: An Initial Review and Recommendations for Future Studies* (Dec. 2006), p. 7.[10]

There is little evidence to support the existence of in-person voter fraud. *See* Amicus Brief of Brennan Center for Justice (*to be filed* Nov. 12, 2007) (analyzing reports of fraud in record).

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[10] The anonymity inherent in absentee voting more easily allows those ballots to be compromised with less risk of the fraudster being discovered. Therefore it is those ballots that are most likely to be the target of fraud. Defendants' claims that fraud at polling stations is prevalent, on the other hand, are dubious at best. A potential imposter would have to gain access to an up-to-date registration list and identify a registered voter who is unlikely to vote. Then the imposter would typically have to present himself or herself as that voter to forge a signature or swear falsely as to his or her identity, committing a crime in public view, while running the risk of detection because 1) the real voter may have already appeared, 2) the voter roll may have been purged of invalid registrants or 3) the poll worker may be familiar with either the imposter or the legitimate voter. Finally, in order to affect the outcome of an election, the imposter would have to be in league with many such imposters, all of whom would have to undertake the same complicated steps. Therefore, it is unsurprising that there is no evidence of in-person voter impersonation fraud in Indiana.

3. The Severe Restrictions of SEA 483 Are Not Necessary or Sufficiently Tailored to the Goal of Preventing In-Person Voter Fraud

Even if there were some degree of in-person voting fraud that would justify further regulations on the franchise by the State, the restrictions on the right to vote in SEA 483 are far too severe and many of them do not advance the goal of deterring fraud. For example, SEA 483 requires that indigent persons without photo identification and persons religiously opposed to being photographed appear at the county circuit court or county election board no later than 10 days after the election to fill out an affidavit to that effect if they want their vote counted. Ind. Code §§ 3-11.7-5-1, 3-11.7-5-2.5. There can be little reason to impose the additional burden on the voter to appear at another location and on another day to fill out that affidavit. It would be far less burdensome and no less effective in deterring fraud if voters were allowed to complete such affidavits at the time and place where they appear to vote.

Alternatively, if the affidavits are an effective means of identifying indigent and religiously constrained voters, there can be no reason to deny other voters the right to prove their identity by affidavit or other reliable means. *See Reynolds*, 377 U.S. at 565 ("[T]he concept of equal protection has been traditionally viewed as requiring the uniform treatment of persons standing in the same relation to the governmental action questioned or challenged"). For example,

under SEA 483, a person who merely loses his identification or has it stolen is not even given the option of having his or her vote counted on the basis of an affidavit if he is not indigent or religiously opposed to being photographed. The Act thus discriminates against the victim of crime or loss compared to a religiously constrained or impoverished voter, even though the votes from such individuals are equally trustworthy when submitted under affidavit alone. Such distinctions are wholly unreasonable and do not withstand constitutional scrutiny. *Cf. Carrington v. Rash*, 380 U.S. 89, 95-96 (1965) (state could not reasonably create an irrebuttable presumption of non-residency for persons enlisted in the military while providing other transient classes of potential voters, like students, with the opportunity to show bona fide residency).

CONCLUSION

For each of the foregoing reasons, SEA 483 does not pass constitutional muster. *Amici* respectfully submit that this Court should reverse the decision of the court below and find that SEA 483 violates the strictures of the First and Fourteenth Amendments and cannot be enforced.

Respectfully submitted,

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APPENDIX

STATEMENTS OF INTEREST OF *AMICI*

The Asian American Legal Defense and Education Fund (AALDEF), founded in 1974, is a national organization that protects and promotes the civil rights of Asian Americans. By combining litigation, advocacy, education, and organizing, AALDEF works with Asian American communities across the country to secure human rights for all. AALDEF has monitored elections and conducted exit polls of Asian American voters in every major election since 1988.

The Asian American Bar Association of New York (AABANY) is a membership organization of attorneys, judges, law professors, legal professionals, legal assistants or paralegals, and law students concerned with issues affecting the Asian Pacific American community. AABANY works to advocate for the Asian Pacific American community and seeks to improve the study and practice of law, and the fair administration of justice for all by ensuring the meaningful participation of Asian Americans in the legal profession. AABANY is the regional affiliate of the National Asian Pacific American Bar Association.

The Asian American Bar Association of the Delaware Valley (AABADV) is a non-profit organization founded in 1984 to serve a wide network of Asian Pacific American attorneys admitted or practicing in Pennsylvania, Northern Delaware and Southern New Jersey. The AABADV is dedicated to the advancement of its members and the Asian American Community.

AABADV also educates its members about issues critical to Asian Pacific Americans and advances the interests of Asian Pacific American attorneys as well as the interests of the local community. AABADV has previously worked with AALDEF in monitoring elections and in conducting its Exit Poll of Asian American voters.

The Asian American Lawyers Association of Massachusetts (AALAM) is a non-partisan, non-profit organization of over one hundred Asian American lawyers, judges, law professors, and law students. AALAM's mission is to promote and enhance the Asian American legal profession by furthering and encouraging professional interaction and the exchange of ideas among its members and with other individuals, groups, and organizations. AALAM also strives to improve and facilitate the administration of law and justice. AALAM is a member organization of the National Asian Pacific American Bar Association.

The Asian Pacific American Agenda Coalition is a coalition of organizations and individuals who have come together to identify and to move forward a common agenda that addresses the needs of the Asian Pacific American communities in Massachusetts. Their mission is to promote and foster the development of Asian Pacific Americans and to ensure their full and equal participation in the social, economic, and political lives of their communities.

The Asian Pacific American Bar Association of the Greater Washington, DC (APABA-DC) Area is an

organization of attorneys, judges, law professors, law students, and other legal professionals dedicated to the advancement of Asian Pacific Americans. APABA-DC is the oldest and largest association of Asian Pacific American attorneys in the Washington, DC area. APABA-DC is an affiliate chapter of the National Asian Pacific American Bar Association.

The Asian Pacific American Lawyers Association of New Jersey, Inc. (APALA-NJ) is a Pan-Asian bar association serving Asian American attorneys throughout the state. APALA-NJ is working to promote and support a positive image of Asian Americans, educate members of the community about issues of critical concern to Asian Americans, and support the entrance and advancement of Asian Americans into and within the legal profession. APALA-NJ is the regional affiliate of the National Asian Pacific American Bar Association.

Asian and Pacific Islander American Vote (APIA Vote) is a national nonpartisan, nonprofit organization that encourages and promotes civic participation of Asian Pacific Islander Americans in the electoral and public policy processes at the national, state and local levels. APIA Vote envisions a society in which all Asian Pacific Islander Americans fully participate in and have access to the democratic process. APIA Vote conducted poll monitoring/exit polling during the 2006 elections.

The Cambodian Association of Greater Philadelphia, Inc. (CAGP) seeks to improve the quality of life

of Cambodian Americans within the greater Philadelphia area through direct services, advocacy, and cultural awareness. Since its inception, CAGP has developed and implemented many social, educational, and cultural programs helping Cambodian American families become self-sufficient. CAGP conducted poll monitoring/exit polling during the 2006 elections.

Chinatown Voter Education Alliance (CEVA) is a New York-based organization that promotes civic awareness and participation in the Chinese American community by collaborating with community agencies to increase voter registration and participation. CVEA's goal is to educate and encourage Chinese voters and bring community members together. Chinatown Voter Education Alliance has conducted poll monitoring/exit polling for the past several elections.

The Coalition of Asian Pacific Americans of Virginia (CAPAVA) aims to unify the Asian and Pacific Islander community to have an organized voice throughout the Commonwealth of Virginia. CAPAVA also seeks to promote active participation of Asian and Pacific Americans in the policy arena and support community organizing efforts. CAPAVA also supports and defends equal rights and opportunities for all Asian and Pacific Americans. CAPAVA conducted poll monitoring/exit polling during the 2006 election.

Conference on Asian Pacific American Leadership (CAPAL) is a non-partisan educational organization

that was founded by Asian Pacific American professionals in the Washington, DC metropolitan area. Its mission is to promote APA interests and success in public sector careers, to provide information and education on policy issues affecting the APA community, and to serve the APA community at large. CAPAL assisted in conducting poll monitoring/exit polling during the 2006 election.

The Korean American Bar Association of New Jersey (KABA-NJ) fosters the exchange of ideas and information among and between KABA-NJ members and other members of the legal profession, the judiciary and the community; to encourage and promote the professional growth of KABA-NJ members; to provide an opportunity for fellowship among KABA-NJ members; to provide service to the general and local community; to develop and encourage cooperation with other organizations of minority attorneys; and to provide a vehicle and forum for the unified expression of opinions and positions by KABA-NJ on current social, political, economic, legal or other matters or events of concern to the members of KABA-NJ.

The Korean American League for Civic Action (KALCA) is a leading non-partisan advocacy organization dedicated to promoting the civic participation of Korean Americans and Asian Pacific Americans in New York. KALCA aims to improve civil society and American democracy with a more engaged electorate and works to encourage greater participation by the Korean American and Asian Pacific American communities

with community outreach, voter education, and voter registration drives. KALCA has conducted poll monitoring/exit polling in New York and New Jersey for the past several elections.

Korean American Resource & Cultural Center (KARCC), the Chicago affiliate of the National Korean American Service & Education Consortium, aims to empower the Korean American community through education, social service, organizing/advocacy and culture. Serving the Korean American community of greater Chicago, the organization strives to resolve issues facing the growing Korean American community. KRCC has conducted poll monitoring/exit polling for the past several elections.

The Korean American Voters' Council of New York & New Jersey is a coalition of organizations and individuals working to create greater civic participation in the Korean American community. KAVC conducts voter registration drives, translates and publishes voters' handbooks, and holds seminars about political candidates and issues. KAVC has also operated voter hotlines in Korean and assisted voters at poll sites. KAVC has conducted election poll monitoring/exit polling for the past several elections.

The National Korean American Service & Education Consortium (NAKASEC), a national non-profit organization based in Los Angeles, California, was founded in 1994 by local community centers: Korean Resource Center (KRC) in Los Angeles, Korean American Resource & Cultural Center (KRCC) in

Chicago, and YKASEC – Empowering the Korean American Community (YKASEC) in New York. The centers empower and improve the lives of Korean Americans as part of a greater goal of building a national movement for social change. NAKASEC is a multi-issue civil rights and human rights organization based in the Korean American community. NAKASEC's mission is to project a national progressive voice for Koreans Americans and promote their full participation in the United States. To this end, NAKASEC promotes equitable and just changes to the political and legislative systems through a combination of education and policy advocacy with grassroots organizing and community mobilization.

The Organization of Chinese Americans (OCA) is a national organization dedicated to advancing the social, political, and economic well-being of Asian Pacific Americans in the United States. With over 80 chapters and affiliates across the nation, OCA's aims are to advocate for social justice, to promote civic participation, to advance coalitions and community building, and to foster cultural heritage. OCA monitors issues and policies that affect the Chinese American community. OCA and its chapters have conducted poll monitoring/exit polling for the past several elections.

ONE Lowell is a non-profit organization in Lowell, Massachusetts that is dedicated to increasing the integration and self sufficiency of Lowell's immigrant populations by strengthening civic participation, developing strong leadership and increasing

access to vital services. ONE Lowell works with immigrant communities to register qualified voters and increase awareness about the traditions of democracy in America. The organization also works with local, state and national organizations to increase awareness about policies and legislation that affect the immigrant populations. ONE Lowell has conducted election poll monitoring/exit polling for the past several elections.

The Pennsylvania Immigration and Citizenship Coalition (PICC) is a diverse coalition of 50 member organizations and numerous individuals who represent the needs of immigrants, migrants, refugees and other new Americans living in Pennsylvania. PICC has numerous advocacy committees working to advocate for the rights of immigrants. PICC registers new citizens to vote and educates them on their rights. It conducted poll monitoring/exit polling during the 2004 and 2006 elections.

Providence Youth Student Movement (PrYSM) is a local grassroots organization that works with Southeast Asian American youth and families to confront and end state, street, and interpersonal violence in Providence, Rhode Island. Through programs, campaigns, and community building, PrYSM focuses on civil rights and social issues that affect immigrant youth. PrYSM conducted poll monitoring/exit polling during the 2004 election.

The Sikh Coalition works to defend civil rights and liberties for all people, promote community

empowerment and civic engagement within the Sikh community, create an environment where Sikhs can lead a dignified life unhindered by bias and discrimination, and educate the broader community about Sikhism in order to promote cultural understanding and create bridges across communities. Ensuring that Sikhs have free access to the polls is fundamental to this mission. The Sikh Coalition believes that any attempt to suppress the right to vote is contrary to the laws and traditions of the United States. The Sikh Coalition conducted poll monitoring/exit polling during the 2004 and 2006 elections.

South Asian American Leaders of Tomorrow (SAALT) is a national coalition of organizations and individuals working in the South Asian community dedicated to ensuring the full and equal participation by South Asians in the civic and political life of the United States. SAALT works to unify the South Asian community in America and provide a voice on issues affecting South Asians that relate to equality and civil rights. South Asian American Leaders of Tomorrow conducted poll monitoring/exit polling during the 2004, 2005, and 2006 elections.

The South Asian Youth Action (SAYA!) is a community organization working to promote leadership and encourage the success of South Asian youth in the New York City area. SAYA! recognizes the importance of creating opportunities for South Asian youth and works to resolve the social issues that affect the South Asian community in a post-9/11 society. Through its programs and advocacy efforts SAYA!

works to create broad social and systematic changes that positively impact immigrant youth. SAYA! has conducted election poll monitoring/exit polling for the past several elections.

Vietnamese American Initiative for Development (VietAID) is a local organization dedicated to empowering the Vietnamese Community of the Boston metropolitan area through civic participation and community development. In preparation for the 2000 elections, VietAID conducted voter registration drives and mobilized voters, which led to an increased voter turnout by 47% in the Vietnamese American community. Vietnamese American Initiative for Development conducted poll monitoring/exit polling during the 2004 election.

YKASEC – Empowering the Korean American Community was established to meet the needs and concerns of the Korean American community through education, civic participation immigrant rights, social services and culture in New York. YKASEC works with various grassroots organizations on immigration policy and voter rights. YKASEC – Empowering the Korean American Community has conducted election poll monitoring/exit polling for the past several elections.